

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF BEE CAVE  
July 9, 2013

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

**Present:**

Caroline Murphy, Mayor  
Zelda Auslander, Council Member  
Michelle Bliss, Council Member  
Steve Braasch, Mayor Pro Tem  
Kara King, Council Member  
Paul Kline, Council Member (arrived at 6:35 p.m.)

**City Staff:**

Frank Salvato, City Manager  
Travis Askey, Assistant City Manager  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Bill Pitmon, Acting Police Chief  
Lindsey Withrow, Director of Community Services  
Katie Griffin, Director of Finance  
Giancarlo Patino, City Engineer  
Amy Kelley, Chief Technology Officer  
Barbara Hathaway, Library Director  
Fonda Rhoades, Property and Records Manager

**Call to Order and Announce a Quorum is Present**

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, July 9, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Consent Agenda**

- A. Consider approval of minutes of the Special Session conducted on June 24, 2013
- B. Consider approval of minutes of the Regular meeting conducted on June 25, 2013.

**MOTION:** A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Auslander, to approve the consent agenda.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Council Member Kline

The motion carried.

**Discus and consider action to exchange fiscal security posted in the form of a check/cash to a performance bond for Madrone Apartments/Cielo Homes Phase 2 Site and NPS temporary and permanent erosion and sedimentation controls.**

City Engineer Giancarlo Patino presented this item.

**MOTION:** A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Auslander, to approve the exchange of fiscal security posted in the form of a check/cash to a performance bond for Madrone Apartments/Cielo Homes Phase 2 Site and NPS temporary and permanent erosion and sedimentation controls.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Council Member Kline

The motion carried.

**Public hearing, discussion and possible action on Ordinance No. 151, an ordinance amending the Shops at the Galleria Planned Development District – Town Center regarding uses and temporary events.**

Mayor Murphy called the public hearing to order at 6:05 p.m.

Daniel Myrick, General Counsel for Shops at the Galleria, presented this item.

Adrian Overstreet, Managing Member of the Hill Country Galleria, spoke in favor of the changes requested by the Shops at the Galleria.

There being no other persons wishing to give public testimony, Mayor Murphy closed the public hearing at 6:11 p.m.

The City Council and applicant agreed on the following changes: Ordinance page 2 – next to last Whereas – add “allow for display of playscape structures”; Exhibit C – Development Standards: Section 1 (a) (iii) parking spaces for seasonal sales may be used during March 1 – September 30; (a) (iv) temporary fencing with shade screens attached on each side of the metal screen; (a) (viii) add sentence to clarify that “the above provisions are only authorized in conjunction with a home improvement store”; and Section 2 (a) (i) add sentence to say “Developer shall make a good faith effort to mitigate any adverse impacts to adjoining neighborhoods created but the project special event.”

**MOTION:** A motion was made by Council Member Auslander, seconded by Mayor Pro Tem Braasch, to approve Ordinance No. 151 as amended: Ordinance page 2 – next to last Whereas – add “allow for display of playscape structures”; Exhibit C – Development Standards: Section 1 (a) (iii) parking spaces for seasonal sales may be used during March 1 – September 30; (a) (iv) temporary fencing with shade screens attached on each side of the metal screen; (a) (viii) add sentence to clarify that “the above provisions are only authorized in conjunction with a home improvement store”; and Section 2 (a) (i) add sentence to say “Developer shall make a good faith effort to mitigate any adverse impacts to adjoining neighborhoods created but the project special event.”

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay:	None
Absent:	Council Member Kline

The motion carried.

**Discuss and consider action on Ordinance No. 152 amending the Comprehensive Sign Package for the Shops at the Galleria located at Shops Parkway.**

Community Services Director Lindsey Withrow presented this item.

Council Member Kline arrived at 6:35 p.m.

**MOTION:** A motion was made by Mayor Murphy, seconded by Council Member Auslander, to approve Ordinance No. 152 amending the Comprehensive Sign Package for the Shops at the Galleria located at Shops Parkway.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay:	None
Absent:	None

The motion carried.

**Discuss and consider action on the final plat for Ladera Phase 4A, located off of Ladera Blvd including approval of fiscal security and first amendment to the Drainage Easement.**

Ms. Withrow presented this item.

**MOTION:** A motion was made by Council Member Bliss, seconded by Mayor Pro Tem Braasch, to approve the final plat for Ladera Phase 4A including the fiscal security and first amendment to the drainage easement.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay:	None
Absent:	None

The motion carried.

**Discuss and consider action on the site/NPS plan amendment and variance requests to sections 20.04.103(c)(4) – Fiscal Security and Section 20.04.114 – Fiscal Security of the Bee Cave Code of Ordinances for the Lake Travis Independent School District TDC Technology Building.**

City Engineer Giancarlo Patino presented this item.

Danny Martin, Senior Project Manager with Malone/Wheeler, fielded questions from the City Council.

**MOTION:** A motion was made by Council Member Auslander, seconded by Mayor Pro Tem Braasch, to approve the site/NPS plan amendment and variance request including the fiscal security subject to platting requirements for any future building expansions and waiving the fee for the variance.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay:	None
Absent:	None

The motion carried.

**Discuss and consider action on the site/NPS plan amendment for Lot 2, Block, A; Lot 2B, Block A and Bee Cave Parkway Trail improvements for the Hill Country Galleria.**

Mr. Patino presented this item.

Mr. Overstreet also spoke on this item.

**MOTION:** A motion was made by Mayor Murphy, seconded by Council Member King, to approve the site/NPS plan amendment for Lot 2, Block A; Lot 2B, Block A and Bee Cave Parkway Trail improvements for the Hill Country Galleria.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay:	None
Absent:	None

The motion carried.

**Discuss and consider action on change orders for the repair of the manufactured stone on the City Hall Building.**

City Manager Frank Salvato presented this item.

Terese Ferguson of Downing Ferguson Peeples and Von Gallagher of Gallagher Construction were present at the meeting to answer questions.

Mr. Overstreet requested that the construction of the city hall building be postponed until January. He stated that the project would interfere with the holiday activities in the Galleria.

The Staff and Council were concerned about an increase in pricing for delaying the project.

This item was continued until a future meeting.

**Discuss and consider action on a Joint Ownership Agreement and Operation and Maintenance Agreement for the Lake Travis Regional Reuse and Recycling Center Project (Household Hazardous Waste).**

Debbie Gernes, General Manager of Travis County Water District No. 17, reported on this item.

**MOTION:** A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Braasch, to approve the Joint Ownership Agreement and Operation and Maintenance Agreement for the Lake Travis Regional Reuse and Recycling Center Project.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline  
Voting Nay: None  
Absent: None

The motion carried.

**Presentation and discussion on the West Travis County Public Utility Agency water and wastewater capacity issues and service.**

Don Rauschuber, General Manager of the West Travis County Public Utility Agency provided an update regarding their impact fee study and plan for capital improvement projects including wastewater service infrastructure.

No action was taken on this item.

The City Council recessed the regular session at 9:24 p.m. and reconvened at 9:33 p.m.

**Discuss and consider action on a new website design.**

Chief Information Officer Amy Kelley presented this item.

The City Council provided feedback on the website schema.  
This item will be presented at a future Council meeting.

**Discuss and consider action on Senate Bill 1297 relating to the use of a Council message board on the City website effective September 1, 2013.**

Council Member Kline presented this item. He asked that the Council approve the creation of a message board on the City website.

Members of the City Council were not in favor of the message board at this time.

Carroll Killebrew, 5410 Great Divide, encouraged the Council to find a way to provide more information to the public. He asked for better descriptive language on the agenda.

**MOTION:** A motion was made by Council Member Kline, seconded by Council Member Bliss, to direct Staff to obtain cost estimates to have a message board pursuant to Senate Bill 1297.

The vote was taken on the motion with the following result:

Voting Aye: Council Members Kline and Bliss  
Voting Nay: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander and King

Absent: None

The motion failed 2-4.

**Discuss and consider action on Ordinance No. 153 calling a Special Election for November 5, 2013 for the reauthorization of the local sales and use tax for road maintenance.**

**MOTION:** A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Braasch, to approve Ordinance No. 153 calling a Special Election for November 5, 2013.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and Kline  
Voting Nay: None  
Absent: Council Member King

The motion carried.

**Discuss and consider action regarding Ordinance No. 154 declaring the intent of the City of Bee Cave to annex into the city limits approximately 108.353 acres of land which is generally situated north and south of highway 71 just west of the current city limits of the City.**

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member King, to approve Ordinance No. 154 and setting public hearings for August 13<sup>th</sup> and August 15<sup>th</sup>, 2013.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline  
Voting Nay: None  
Absent: None

The motion carried.

**Executive Session:**

The City Council closed the Open Session at 11:17 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas

Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding City's authority under the Spillman Development Agreement and possible litigation associated with development of property subject to the Spillman Agreement.
- B. Consultation with Attorney regarding the US Supreme Court's ruling regarding governmental regulations that effect private property rights.

The City Council closed the Executive Session at 11:46 p.m. and reconvened in Regular Session in the Council Chambers.

No action was taken on the above items.

### **Adjournment**

**MOTION:** A motion was made by Council Member Bliss, seconded by Mayor Pro Tem Braasch, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss, King and Kline
Voting Nay:	None
Absent:	None

The motion carried.

The City Council adjourned the meeting at 11:46 p.m.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

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Caroline Murphy, Mayor

ATTEST:

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Kaylynn Holloway, City Secretary